REMARKS

Claims 1-58 are pending.

Double Patenting Rejections

Claims 1-10, 13-15, 18-20, 23-25, 28-39, 42-49, 52-54 and 57-58 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as purportedly unpatentable over claims 1-38 of copending Application No. 10/712,361 in view of JP 54-051690. Applicants enclose herewith a Terminal Disclaimer in compliance with 37 CFR § 1.321. Applicants submit that the double patenting rejection of claims 1-10, 13-15, 18-20, 23-25, 28-39, 42-49, 52-54 and 57-58 has been overcome and should be withdrawn.

Claims 1-3, 7-22, 28-32, 36-51 and 57-58 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as purportedly unpatentable over claims 1-21 and 23-43 of copending Application No. 10/733,211. Applicants respectfully tranverse.

In order to establish a prima facie case of obviousness of a claim, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)("All words in a claim must be considered in judging the patentability of that claim against the prior art.")(cited at MPEP § 2143.03). In the present case, Applicants submit that no prima facie case of obviousness has been established because the cited reference fails to teach or suggest claim limitations required in the rejected claims.

Each of the pending claims requires step b) recited in claim 1: "exposing said fluoropolymer to electron beam radiation so as to result in the formation of crosslinks." As the Office Action acknowledges, the reference does not teach using electron bean irradiation for crosslinking the polymer. (Office Action at page 2). Applicants submit that, because the cited reference fails to teach or suggest claim limitations required in all of the rejected claims, no prima facie case of obviousness has been established, and the rejection should be withdrawn.

Applicants submit that the double patenting rejection of claims 1-3, 7-22, 28-32, 36-51 and 57-58 has been overcome and should be withdrawn.

§ 103 Rejections

Claims 1-2, 7-9, 13-14, 28-31, 36-38 and 42-43 stand rejected under 35 USC § 103(a) as purportedly unpatentable over JP 54-052690 (Asawa) taken alone. Applicants respectfully traverse.

In order to establish a prima facie case of obviousness of a claim, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)("All words in a claim must be considered in judging the patentability of that claim against the prior art.")(cited at MPEP § 2143.03). In the present case, Applicants submit that no prima facie case of obviousness has been established because the cited reference fails to teach or suggest claim limitations required in the rejected claims.

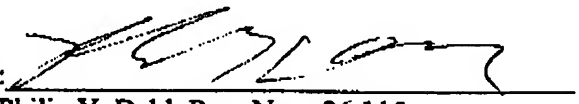
Each of the pending claims requires step b) recited in claim 1: "exposing said fluoropolymer to electron beam radiation so as to result in the formation of crosslinks." As the Office Action acknowledges, "Asawa does not expressly teach crosslinking said fluoropolymer once cast into a membrane with electron bean irradiation." (Office Action at page 4). Applicants submit that, because the cited reference fails to teach or suggest claim limitations required in all of the rejected claims, no prima facie case of obviousness has been established, and the rejection should be withdrawn.

In summary, the rejection of claims 1-2, 7-9, 13-14, 28-31, 36-38 and 42-43 under 35 USC § 103(a) as purportedly unpatentable over JP 54-052690 (Asawa) taken alone has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Respectfully submitted,

May 26, 2005
Date

By: 
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